

This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L SECTION 01 OF 05 KUWAIT 005561

SIPDIS

DEPT FOR NEA/ARP, NEA/RA, NEA/FO, DRL/PHD, G/TIP  
DEPT FOR INL, PRM, G/IWI

E.O. 12958: DECL: 12/09/2013

TAGS: PHUM PREL KWMN SOCI KU

SUBJECT: (C) MAID IN KUWAIT: DOMESTIC SERVANTS FACE  
PERVERSIVE ABUSE, EXPLOITATION

REF: A. KUWAIT 01759

B. KUWAIT 01772

C. KUWAIT 01927

Classified By: Charge d'Affaires John Moran, reason 1.4(b,d)

11. (C) SUMMARY: The estimated half-million or so domestic servants in Kuwait lack a well-developed system to protect their rights, monitor working conditions, and resolve labor disputes. Source country embassies have filled the void and assist runaway domestics on an ad hoc basis, navigating through a complex web of police officials, deportation center authorities, employers, labor recruitment agencies, and others to resolve disputes. Resolution of labor problems often takes months and most runaway or abused domestics are deported. Domestic servants remain a marginalized group without the rights and protections accorded to other private sector laborers. Discrimination, harassment, and abuse, sometimes at the hands of police and other authorities charged with protecting workers, are pervasive problems. Lax monitoring and oversight of local labor recruitment agencies that hire domestics and illegal visa trading are exacerbating conditions for domestic servants and contributing to near-slavery conditions for many. So long as domestics remain outside the jurisdiction of the Labor Law and governed by an antiquated sponsorship system that severely restricts personal freedoms, prospects for significant improvements are bleak. Although the GOK has taken some positive steps recently to improve conditions for foreign workers, domestic servants remain largely untouched by most of these efforts. That said, there are encouraging signs of high-level attention, including creation this year of a union of domestic labor agencies and draft legislation to tighten lax controls. Post will ensure relevant GOK authorities grasp the reality of this situation and continue to press for improvement. END SUMMARY.

12. (C) Much of the information in this message comes from source country embassies, which are sensitive about the risk of repercussions if the GOK were to perceive them as disparaging Kuwait. We ask all users of this information to respect that sensitivity.

Outdated Labor Law, Lack of Protections  
-----

13. (C) The GOK has amended the Labor Law (Law No. 38) only slightly since its initial implementation in 1964, despite a dramatic increase in the foreign labor population over the last three decades. There are an estimated 1.1 million foreign laborers in Kuwait today, comprising over 60% of the total population. The Kuwait Ministry of Planning estimates that the foreign population of Kuwait rose nearly 6% in 2002, the first rise in 12 years. Non-Kuwaitis make up over 80% of the labor force and Asians constitute the single largest category of foreign workers. Various liberal groups and ILO representatives have been advocating for labor law reform since as early as 1975 to grant greater protections for foreign workers. The Ministry of Social Affairs and Labor recently proposed a series of amendments to the Labor Law dealing with the private sector. Domestic servants, however, are not considered private sector workers and are specifically excluded from the Labor Law. They thus lack the rights and protections accorded to other foreign workers. Ministry of Social Affairs and Labor officials told us recently that there are no GOK initiatives underway to amend the Labor Law to include domestic servants.

Ill-Equipped, Poorly Trained Police  
-----

14. (C) Domestic servants fall under the purview of the Ministry of Interior. Therefore, runaway or abused domestics are often treated as criminals under the law and are detained, jailed, and/or deported, particularly if found guilty of other violations of local law, such as illegal entry or employment without a valid residency permit. There is no standard, institutionalized procedure for handling domestic runaway or abuse cases. Local police have tremendous discretion in dealing with runaway domestics and there is very little oversight of their activities. In general, the GOK mandates that when there is a complaint by

an employer about a domestic, the domestic, the employer, and, if possible, a representative from the local employment agency that recruited the domestic seek the assistance of local police. Typically, an employer files an absconding case with the police against the domestic as it is a criminal offense for a domestic to run away while under the employer's sponsorship. If the local police cannot solve the issue, the case is often referred to one of two police stations in the Dasma and Da'iya neighborhoods. We are told they operate de facto "conciliation centers" for runaway domestics and are responsible for investigating runaway cases. The Dasma police station has a detention facility where domestics are sometimes detained while cases are investigated. Although, by law, domestics have the right to file complaints with the police against abusive or exploitative employers, very few are able to do so in practice due to lack of Arabic language skills, fear, widespread intimidation and harassment by police, lack of legal support, and the connections ("wasta") of employers. (Note: A Sri Lankan Embassy official told Poloff recently that the de facto "conciliation center" within the Dasma police station was "fantastic" in mediating labor disputes involving Sri Lankan domestics in the past but that it closed over a year ago and no longer provides mediation assistance. GOK authorities, however, have repeatedly told us that the Dasma "conciliation center" is still operational. We are trying to clarify that situation. End Note).

#### Abuse of Police Authority

15. (C) Most police officials lack the basic skills, awareness, and sensitivity necessary to handle runaway cases effectively. The treatment of domestic servants is often regarded socially and culturally as a private family matter rather than as a human rights issue that warrants police or other intervention. Source country embassies report widespread police harassment of and discrimination against domestic servants. Philippine Embassy contacts told Poloff recently that police sexual harassment of runaway domestics is widespread and that it is not uncommon for police officials to seek sexual favors from runaway domestics in exchange for police assistance. There also appears to be very little oversight or accountability of police actions. (Note: The Philippine Embassy Labor Attache privately confirmed local press reports that three police officers raped a runaway Filipina maid recently while she was in police custody at a local police station. The maid is now living in the embassy shelter, along with roughly 130 other runaway domestics. The Philippine Embassy intends to file a criminal case against the officers. The Public Prosecutor is reportedly interrogating the suspects and they have been detained pending further investigation. End Note). As evidence of the widespread distrust of local police authorities, most runaway or abused domestics turn to their host country embassies for assistance rather than to police. That the major host country embassies (i.e., Philippines, Sri Lanka, Bangladesh) operate shelters on their premises and that these shelters harbor a combined average of about 1,000 domestics at any given time demonstrate the weakness of the current GOK "system" to resolve domestic labor problems.

#### Side-Stepping a Broken System

16. (C) Host country embassy sources have told Poloff that, if the de facto GOK-prescribed system of police mediation is followed to resolve employer-domestic disputes, it would take months and involve considerable hardship for domestics, some of whom have been either physically or sexually abused and want to return home as soon as possible. Philippine and Sri Lankan Embassy sources estimate that roughly 60% of all runaway domestics living in their shelters want to return home rather than change employers. Kuwaiti law requires that runaway domestics, against whom an absconding (or other criminal) complaint has been filed and a travel ban imposed, be detained and prohibited from further employment until their cases are resolved. Resolution usually means deportation. (Note: Credible source country embassy, NGO, and other sources told us recently that resolution of runaway cases is usually complicated by employer unwillingness to release the domestic's passport, cancel the domestic's residency permit, pay any unpaid salary, and furnish an airline ticket. It is also complicated by the prevalence of illegal visa trading, a practice whereby domestics who entered the country under the sponsorship of one employer are "sold" by that employer for a fee (350-500KD, i.e. \$1,050-\$1700 is not uncommon) to another employer (who may or may not bother to change the domestic's visa and residency status to reflect the change, putting the domestic at risk of arrest or deportation if caught without proper documentation. At the same time, it certainly can happen that an employee abuses an employer's trust; sorting out those cases from the false charges proffered by abusive employers is not easy. In practice, Kuwaiti officials tend to give the benefit of the doubt to the employer. End Note.)

17. (C) Also complicating resolution is another reportedly common practice whereby Kuwaiti individuals extort money from domestics eager to remain in the country by "sponsoring" them in name only (i.e., renewing their visas and residency permits) in exchange for a hefty fee. (Note: One Indian domestic told Poloff recently that she paid a Kuwaiti man 400KD or \$1300 every year in exchange for residency under his sponsorship so she could work, illegally, for other families. She became heavily indebted and could barely earn enough money to pay for rent and food. End Note). Source country embassies are under pressure from their host governments to resolve labor disputes quickly, and their embassy shelters lack the capacity and resources to harbor runaway domestics for extended periods of time. The Philippine Embassy shelter, for example, is staffed by a live-in social worker, welfare officer, and full-time case workers but depends heavily on volunteers to help with the day-to-day management of the facility. The Sri Lankan Embassy houses an average of 500 runaway domestics (all female) at any given time in a make-shift basement shelter intended for only 100 domestics.

18. (C) Given the above complications, some source country embassies actively try to work around the system, to deport runaway or abused domestics as quickly as possible by bypassing local police altogether. The Philippine Embassy Labor Attache told Poloff recently, for example, that his office actively attempts to negotiate informal arrangements directly with officials of Talha Deportation Center (the main deportation processing facility) to accept Philippine domestics for immediate deportation, even if they lack passports or have unresolved residency, visa, or other legal issues. According to the contact, such unofficial case-by-case arrangements have "worked well" in most cases over the past year but depend on the continued cooperation of individual officials. (Note: He told Poloff privately that "cooperation" of police and other officials is sometimes obtained through unofficial gifts of alcohol. End Note.) Sri Lankan embassy officials, likewise, attempt to work directly with Central Prison and deportation center authorities to fingerprint, process, and deport their runaways as quickly as possible. Even with these informal "fast-track" arrangements, most domestics still wait an average of two to three months for deportation and end up forfeiting some of their earned pay.

#### Weak Monitoring of Labor Recruitment Agencies

19. (C) The problems facing domestic servants in Kuwait often stem from the methods by which they are recruited, both in their home country and locally. Typically, a labor recruitment agency in the domestic's home country enters into an agreement with a Kuwaiti employment agency to recruit the domestic. The source country embassy in Kuwait often acts as intermediary between the two agencies and, in at least the case of the Philippine and Sri Lankan embassies, requires the two parties to sign a formal, standardized contract guaranteeing protections for the domestic. Typical contract protections include an 8-hour workday, 1 day of rest per week, 1 month of paid leave per year, and provision of a return airline ticket upon termination of the contract by either party. In practice, however, such contracts are routinely violated and rarely enforced. Many labor recruitment agencies are unlicensed, unmonitored, or unregulated by authorities. Host country embassy and GOK sources informed us recently that it is common practice in Kuwait for local labor recruitment agencies to take the equivalent of a domestic's first three months' salary as commission to cover the costs incurred in bringing the domestic to Kuwait. As a result, domestics are often encouraged, if not coerced, by some local recruitment agencies to remain with their employers without salary for at least three months to allow the agencies to recoup their costs. If they decide to leave their employer (due to abuse or poor working conditions) and the local labor recruitment agency places them with another, they may be forced to work without remuneration for an extended period in conditions amounting to indentured servitude. The more the domestic changes employers, the more indebted the domestic may become to such agencies or to the employers themselves and thus more vulnerable to exploitation. So-called "table agents," unofficial, unlicensed sub-contractors that work with licensed labor recruitment agencies are reportedly particularly exploitative of domestic workers.

#### Some Positive GOK Steps

10. (C) Recognizing the problems posed by unregulated and unmonitored labor recruitment agencies, the GOK licensed a new union in April, the Kuwait Union of Domestic Labor Offices, charged with monitoring the activities of recruitment agencies and raising awareness among employers of the treatment of domestics. Head union officials told Poloff recently that only 29 local labor recruitment agencies (out

of an estimated 400 in the country) are members of the union but that they account for approximately 60% of all domestic servants. The union has proposed a new draft law to regulate the importation, training, and hiring of domestic servants. The union has also proposed eliminating the three-month "probationary" period widely imposed by recruitment agencies during which domestics are not paid, extending the recruitment agency responsibility period for domestics to two years from the current three months, and limiting the number of times domestics can transfer employers to prevent their exploitation. A delegation of union members recently visited Indonesia to hold talks with Indonesian labor ministry officials on regulating the recruitment and hiring of Indonesian domestics.

11. (C) The union facility includes a waiting room for newly arrived domestics, lounge for walk-in employers where they can review applications and profiles of available domestics seeking work, legal department, and conciliation rooms for resolving labor disputes. The union developed a video (in several TCN languages) and informational brochures on the treatment and duties of domestics. (Note: When Poloff visited recently, a few newly arrived Asian female domestics were sitting on rugs laid out on the floor of the waiting room. Union officials told Poloff that the domestics had slept there for a few nights because their employers had yet to pick them up. The room had no beds or any other visible facilities, but union officials said that they wanted to obtain a permit to build a hostel adjacent to the union to house new arrivals. End Note). The union claims it maintains a file on every domestic recruited through any of its member agencies and actively blacklists delinquent or abusive employers, recruitment agencies, and "problem" domestics. (Note: The blacklist is controlled and maintained entirely by the union and is not an official GOK list. It is not clear what degree of oversight the GOK exercises, if any, over the union in this regard. End Note). The union is now seeking a GOK license to build a shelter for runaway domestics, where they would be housed for a maximum of 10 days and then deported, according to union officials.

12. (C) An influential member of the Kuwait Democratic Forum (KDF), a liberal political bloc, and former Assistant Undersecretary for Labor Affairs proposed last year the creation of a tripartite organization, the Public Authority for Expatriate Labor, comprising members of the Kuwait Chamber of Commerce and Industry (KCCI), GOK (Ministry of Social Affairs and Labor, Ministry of Interior), and Kuwait Trade Union Federation (KTUF). He told Poloff recently that the organization would be charged with managing labor policy for all expatriate workers including domestic servants, hearing labor complaints, developing and monitoring health, safety, and occupational standards for foreign workers, and liaising directly with local and overseas labor recruitment agencies. He said, however, that the GOK has not yet responded to the proposal.

13. (C) The National Assembly's Human Rights Defense Committee includes the treatment of domestic servants as a major agenda item for the first time, following general elections in July. The Minister of Social Affairs and Labor has publicly stated that his Ministry is actively studying ways to reform the local sponsorship system governing the entry and employment of all expatriate workers. The current sponsorship system severely restricts the freedom of movement of foreign workers and gives employers tremendous leverage over employees, often leading to near-slavery conditions. Sri Lankan and Philippine Embassy sources tell us that 90% of all employers of runaway domestics refuse to return their passports or civil identification cards (though withholding these documents is illegal). Without these documents, runaway domestics cannot leave the country or obtain medical treatment as local hospitals will not admit them without proper documentation. They added that this is a severe problem for physically and sexually abused domestics who require immediate and often complex medical attention.

14. (C) COMMENT: The GOK has taken some positive steps recently to improve conditions for foreign workers other than domestics. Notable among these is a new law implemented recently requiring private sector employers to deposit the salaries of their workers in local bank accounts to help ensure that workers are paid in full and in a timely, transparent manner. A series of amendments to the outdated Labor Law proposed by the Ministry of Social Affairs and Labor should help further improve working conditions for foreign private sector laborers, if adopted and implemented. Unfortunately, however, domestic servants do not benefit from these initiatives as they remain excluded from the Labor Law. Local newspapers carry stories almost daily about the physical or sexual abuse of maids, domestics allegedly committing "suicide," or police detaining runaways. Alarming, police officials appear to be complicit in abuse in some cases. Several foreign governments with large populations of expatriate workers in Kuwait, including Indonesia and the Philippines, have raised the issue of the

treatment of their domestics with Kuwaiti authorities at the highest levels. The GOK has not yet established a government shelter for runaway domestics, as it was considering several months ago. Post will continue to press Kuwaiti authorities about human rights and TIP issues at all levels, and will report more extensively on labor recruitment agencies and other issues in septels. END COMMENT.

MORAN